

## REMARKS

Claims 1 to 21 were pending in the present application. Applicant has amended claims 5, 8, 10, and 13 to 21. Claims 1 to 21 remain pending in the present application.

### §102 Rejections

The Examiner rejected claims 1 to 4, 7 to 10, and 13 to 21 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent App. Pub. No. 2003/0076766 ("Nagata et al."). Addressing claims 1 and 15, the Examiner stated:

Nagata et al. discloses, in figures 6A-6E, a beam splitter apparatus comprising: a first beam splitter mount (21) and a second beam splitter mount (22), the first beam splitter mount (21) being coupled to the second beam splitter mount (22) by a deformable connection (figures 6C and 6D) the beam splitter apparatus being arranged so that, in use, a force applied to the second beam splitter mount (22) causes the second beam splitter mount (22) to turn relative to the first beam splitter mount (21) (section 0128).

August 9, 2006 Office Action, pp. 2 and 3. Applicant respectfully traverses.

The Examiner cited Figs. 6A to 6E of Nagata et al. for disclosing first and second beam splitter mounts where the second beam splitter mount is coupled to the first beam splitter mount by a deformable connection. However, Nagata et al. discloses that first beam splitter 21 is joined atop second beam splitter 22 and then they are cut to form 5 pieces of beam splitting elements 2.

[0128] Next, the first beam splitter substrate 21 and the second beam splitter substrate 22 are joined to each other. As shown in FIG. 6C, a second straight line 22a is defined as a line that is orthogonal to a straight line at which a main surface (the above-mentioned second cutting surface) of the second beam splitter substrate 22 and each of the joint surfaces on which the optical films 12a to 12c are formed cross each other, and is included in the main surface of the second beam splitter substrate 22. Similarly, a first straight line 21a is defined as a line that is orthogonal to a straight line at which a main surface of the first beam splitter substrate 21 and each of the joint surfaces on which the optical film 11a is formed cross each other, and is included in the main surface of the first beam splitter substrate 21. The main surfaces of the first beam splitter substrate 21 and the second beam splitter substrate 22 are joined so that the first straight line 21a and the second straight line 22a form an angle of 45 degrees.

[0129] Then, cutting is performed along dotted lines shown in FIG. 6D. In FIG. 6D, for easier understanding of cutting positions, the first beam splitter substrate 21 and the second beam splitter substrate 22 are shown to be separate, but in fact are joined to each other.

[0130] Thus, as shown in FIG. 6E, five pieces of the beam splitting elements 2 can be obtained.

Nagata et al., paragraphs [0128] to [0130] (emphasis added). As the Examiner can clearly see, Nagata et al. does not disclose that second beam splitter 22 is not joined by a deformable connection to first beam splitter 21. Instead, they appear to be rigidly joined so they can be cut into 5 pieces of beam splitting elements 2. Accordingly, claim 1 is patentable over Nagata et al.

Claims 2 to 4, 7 to 10, 13, 14 depend from claim 1 and are patentable over Nagata et al. for at least the same reasons as claim 1.

Claim 15 is a method claim that parallels apparatus claim 1. Accordingly, claim 15 is patentable over Nagata et al. for at least the same reasons as claim 1.

Claims 16 to 21 depend from claim 15 and are patentable over Nagata et al. for at least the same reasons as claim 15.

#### §103 Rejections

The Examiner rejected claims 5, 6, 11, and 12 under 35 U.S.C. § 103(a) as being unpatentable over Nagata et al. Claims 5, 6, 11, and 12 depend from claim 1 and are patentable over Nagata et al. for at least the same reasons as claim 1.

#### Summary

In summary, claims 1 to 21 were pending in the above-identified application. Applicant has amended claims 5, 8, 10, and 13 to 21. For the above reasons, Applicant respectfully requests allowance of claims 1 to 21. Should the Examiner have any questions, please call the undersigned at (408) 382-0480x206.

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Date of Deposit: November 9, 2006

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Respectfully submitted,



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